



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**MAR 14 2013**

Mr. Alan J. Mathis  
Liberation Programs, Inc  
129 Glover Avenue  
Norwalk, Connecticut 06850

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)  
and § 761.79(h)  
4 Elmcrest Terrace  
Norwalk, Connecticut

Dear Mr. Mathis:

This is in response to the Liberation Programs, Inc (Liberation Programs) Notification<sup>1</sup> for approval to clean up and dispose of PCB-contaminated building materials in the building located at 4 Elmcrest Terrace in Norwalk, Connecticut (the Site). The Site contains caulk and other building materials that exceeds the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.20(a), § 761.61, and § 761.62.

In its Notification, Liberation Programs has proposed the following PCB cleanup and disposal plan:

- Remove *PCB bulk product waste* (e.g., caulk, metal frames, and *porous surfaces* in contact with caulk), and dispose of in a state-approved non-hazardous waste landfill in accordance with § 761.62(b), or in a TSCA approved disposal facility or RCRA hazardous waste landfill in accordance with § 761.62(a). *Porous surfaces* will be removed as follows:
  - Exterior windows and ventilation louver openings- remove 1 full brick (8 to 10 inches) from the caulk line

<sup>1</sup> The notifications were prepared by Eagle Environmental, Inc on behalf of Liberation Programs, Inc to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was submitted dated July 29, 2012 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); December 17, 2012 (Revised SIDP and Response to EPA Comments); January 18, 2013 (2<sup>nd</sup> Revision-SIDP); January 31, 2013 (Response to EPA questions on Revised SIDP); February 18, 2013 (Table of verification samples); February 20, 2013 (Clarification of soils characterization procedure); February 28, 2013 (email response to sampling question); and March 7, 2013 (email clarification of courses). These submittals shall be referred to as the "Notification".

- Rooftop door openings, penthouse windows, where A/C metal sleeves were located- remove ½ brick (4 to 6 inches) from the caulk line, horizontally, and 1 full brick (3½ inches) vertically after removal of the concrete sill;
- Remove bulk *PCB remediation waste* (i.e., soils in Areas 2 and 5 within 32 inches of the building foundation) with greater than or equal to ( $\geq$ ) 50 parts per million (ppm) PCBs and dispose of in a TSCA approved disposal facility or RCRA hazardous waste landfill;
- Remove soft white caulks, soils in Areas 1, 3, and 4 to a distance of 60 inches from the building foundation, and soils in Areas 2 and 5 between 32 and 60 inches from the building foundation and dispose of as a *PCB remediation waste* in a RCRA non-hazardous waste landfill in accordance with § 761.61(a)(5)(i)(B)(2)(ii);
- Decontaminate the *non-porous surfaces* (i.e., steel lintels) that will remain in place to less than or equal to ( $\leq$ ) 10  $\mu\text{g}/100\text{ cm}^2$ ; and,
- Conduct verification sampling to confirm that the PCB concentrations in the *porous surfaces* are  $\leq 1$  ppm, that the PCB concentrations in the decontaminated *non-porous surfaces* are  $\leq 10\text{ }\mu\text{g}/100\text{ cm}^2$ , and that PCB concentrations in soils are  $\leq 1$  ppm.

Liberation Programs has determined that certain caulk within the building, which has a PCB concentration at greater than ( $<$ ) 50 ppm, meets the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or decontamination of surfaces that are in contact with the  $< 50$  ppm caulk. While these building materials are not addressed in the Approval, Liberation Programs is proposing to remove these PCB products containing PCBs with  $> 1$  ppm prior to building demolition. In the locations where the doorframes are scheduled for removal, 8 inches of concrete masonry unit will be removed and disposed of as *PCB remediation waste*  $< 50$  ppm.

With the exception of the proposed verification sampling frequency for decontaminated *porous surfaces*, the Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79(h) for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

With respect to the verification sampling frequency, based on the results of the PCB sampling to-date and the proposed cleanup and disposal approach, EPA has determined that the sampling plan and verification sampling frequency are adequate to confirm that the PCB cleanup standard has been met.

Liberation Programs may proceed with its cleanup in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Owens III", written over a horizontal line.

James T. Owens III, Director  
Office of Site Remediation & Restoration

cc Chris Liberti, Eagle Environmental, Inc  
Gary Trombly, CT DEEP  
File

Attachment 1: PCB Approval Conditions



**ATTACHMENT 1:**

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
4 ELMCREST TERRACE (the Site)  
NORWALK, CONNECTICUT**

**GENERAL CONDITIONS**

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. Liberation Programs, Inc (Liberation Programs) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. Liberation Programs must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, Liberation Programs shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. Liberation Programs is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time Liberation Programs has or receives information indicating that Liberation Programs or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by Liberation Programs are authorized to conduct the activities set forth in the Notification. The is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release Liberation Programs from compliance with any applicable requirements of federal, state or local law; or 3) release Liberation Programs from liability for, or otherwise resolve any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

10. This Approval may be revoked if the EPA does not receive written notification from Liberation Programs of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. Liberation Programs shall submit the following information for EPA review and/or approval:
  - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
  - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
  - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

#### **REMEDIAL AND DISPOSAL CONDITIONS**

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.



13. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
  - a. All visible residues of PCB caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
  - b. The PCB cleanup standard for *non-porous surfaces* (i.e., steel lintels) shall be less than or equal to ( $\leq$ )  $10 \mu\text{g}/100 \text{ cm}^2$ . Verification sampling shall be conducted in accordance with Subpart P.
  - c. The cleanup standard for bulk *PCB remediation waste* (i.e., soil) shall be  $\leq 1$  part per million (ppm). Verification samples shall be collected on a bulk basis (e.g., mg/kg) and reported on a dry-weight basis. Verification sampling shall comply with Subpart O; samples shall be collected from both excavation bottoms and sidewalls, as applicable.
  - d. The PCB cleanup standard of *porous surfaces* shall be  $\leq 1$  ppm. Sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches. The minimum sampling frequency shall be 1 sample per 35 linear feet as shown in the Estimated Verification Sample Quantities and Location Table dated February 19, 2013.
  - e. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

15. Liberation Programs shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by Liberation Programs to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

### **RECORDKEEPING AND REPORTING CONDITIONS**

19. Liberation Programs shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by Liberation Programs in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
20. Liberation Programs shall submit a final report as both a hard copy and electronic version, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.

21. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT**